

Title 82 WAC

FINANCIAL MANAGEMENT, OFFICE OF

(Formerly: Office of Program Planning and Fiscal Management)

Chapters

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Regulation 9, filed 12/7/64.] Repealed by 98-01-022, filed 12/8/97, effective 1/8/98.

Additional records to provide supporting information. [Order II, Regulation 10, filed 12/7/64.] Repealed by 98-01-022, filed 12/8/97, effective 1/8/98.

Moneys available for claims. [Order II, Regulation 11, filed 12/7/64.] Repealed by Order 5, filed 4/28/69, effective 5/30/69 and Emergency Order 4, filed 3/27/69.

Appendix A—Certificate of tort claim settlement. [Statutory Authority: RCW 4.92.170. 79-09-057 (Order 43), § 82-16-900, filed 8/24/79; Order 5, Appendix A, (codified as WAC 82-16-900), filed 4/28/69, effective 5/30/69; Emergency Order 4, filed 3/27/69.] Repealed by 98-01-022, filed 12/8/97, effective 1/8/98.

Appendix B—Attorney general's certificate on tort judgment. [Statutory Authority: RCW 4.92.170. 79-09-057 (Order 43), § 82-16-9001, filed 8/24/79; Order 5, Appendix B (codified as WAC 82-16-9001), filed 4/28/69, effective 5/30/69; Emergency Order 4, filed 3/27/69.] Repealed by 98-01-022, filed 12/8/97, effective 1/8/98.

Chapter 82-24 MOVING EXPENSES

82-24-010	Purpose. [Statutory Authority: RCW 43.03.120. 79-09-056 (Order 42), § 82-24-010, filed 8/24/79, effective 10/1/79; Order 3, § 82-24-010, filed 4/4/68, effective 5/6/68.] Repealed by 98-18-017, filed 8/21/98, effective 9/21/98.
82-24-020	Definitions. [Statutory Authority: RCW 43.03.120. 79-09-056 (Order 42), § 82-24-020, filed 8/24/79, effective 10/1/79; Order 3, § 82-24-020, filed 4/4/68, effective 5/6/68.] Repealed by 98-18-017, filed 8/21/98, effective 9/21/98.
82-24-030	Per diem and mileage expenses. [Order 3, § 82-24-030, filed 4/4/68, effective 5/6/68.] Repealed by 98-18-017, filed 8/21/98, effective 9/21/98.
82-24-040	Transferred employees qualified to receive allowable moving expenses. [Order 3, § 82-24-040, filed 4/4/68, effective 5/6/68.] Repealed by 98-18-017, filed 8/21/98, effective 9/21/98.
82-24-050	New employees qualified to receive allowable moving expenses. [Statutory Authority: RCW 43.03.120. 79-09-056 (Order 42), § 82-24-050, filed 8/24/79, effective 10/1/79; Order 3, § 82-24-050, filed 4/4/68, effective 5/6/68.] Repealed by 98-18-017, filed 8/21/98, effective 9/21/98.
82-24-060	Responsibilities of agency head. [Statutory Authority: RCW 43.03.120. 79-09-056 (Order 42), § 82-24-060, filed 8/24/79, effective 10/1/79; Order 3, § 82-24-060, filed 4/4/68, effective 5/6/68.] Repealed by 98-18-017, filed 8/21/98, effective 9/21/98.
82-24-070	Responsibilities of state traffic manager, division of purchasing. [Order 3, § 82-24-070, filed 4/4/68, effective 5/6/68.] Repealed by 98-18-017, filed 8/21/98, effective 9/21/98.
82-24-080	Moving household goods by common carrier. [Statutory Authority: RCW 43.03.110 and 43.03.120. 87-06-012 (Order 87-64), § 82-24-080, filed 2/20/87. Statutory Authority: RCW 43.03.120. 79-09-056 (Order 42), § 82-24-080, filed 8/24/79, effective 10/1/79; Order 3, § 82-24-080, filed 4/4/68, effective 5/6/68.] Repealed by 98-18-017, filed 8/21/98, effective 9/21/98.
82-24-090	Moving household goods in rental equipment. [Statutory Authority: RCW 43.03.110 and 43.03.120. 87-06-012 (Order 87-64), § 82-24-090, filed 2/20/87. Statutory Authority: RCW 43.03.120. 79-09-056 (Order 42), § 82-24-090, filed 8/24/79, effective 10/1/79; Order 3, § 82-24-090, filed 4/4/68, effective 5/6/68.] Repealed by 98-18-017, filed 8/21/98, effective 9/21/98.
82-24-100	Moving household goods in state-owned vehicles. [Statutory Authority: RCW 43.03.120. 79-09-056 (Order

DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 82-16 PAYMENT OF TORT CLAIMS AGAINST THE STATE

82-16-001	Promulgation. [Order II, § 82-16-001, filed 12/7/64.] Repealed by Order 5, filed 4/28/69, effective 5/30/69 and Emergency Order 4, filed 3/27/69.
82-16-010	Director—Agency head—Defined. [Statutory Authority: RCW 4.92.170. 79-09-057 (Order 43), § 82-16-010, filed 8/24/79; Order 32, § 82-16-010, filed 7/19/76; Order II, Regulation 1, filed 12/7/64.] Repealed by 98-01-022, filed 12/8/97, effective 1/8/98.
82-16-020	Directors' authority to pay exclusive—Certification of claims and judgment. [Statutory Authority: RCW 4.92.170. 79-09-057 (Order 43), § 82-16-020, filed 8/24/79; Order 32, § 82-16-020, filed 7/19/76; Order 5, § 82-16-020, filed 4/28/69, effective 5/30/69; Emergency Order 4, filed 3/27/69; Order II, Regulation 2, filed 12/7/64.] Repealed by 98-01-022, filed 12/8/97, effective 1/8/98.
82-16-030	Forwarding settlements and judgments for payment—Forms. [Order II, Regulation 3, filed 12/7/64.] Repealed by 98-01-022, filed 12/8/97, effective 1/8/98.
82-16-040	Payments, to whom made—Satisfaction of judgments. [Order II, Regulation 4, filed 12/7/64.] Repealed by 98-01-022, filed 12/8/97, effective 1/8/98.
82-16-050	Agencies and funds charged. [Order 32, § 82-16-050, filed 7/19/76; Order II, Regulation 5, filed 12/7/64.] Repealed by 98-01-022, filed 12/8/97, effective 1/8/98.
82-16-060	Charge where more than one agency involved. [Order II, Regulation 6, filed 12/7/64.] Repealed by 98-01-022, filed 12/8/97, effective 1/8/98.
82-16-070	Reimbursements to tort claims account. [Order 5, § 82-16-070, filed 4/28/69, effective 5/30/69; Emergency Order 4, filed 3/27/69; Order II, Regulation 7, filed 12/7/64.] Repealed by 98-01-022, filed 12/8/97, effective 1/8/98.
82-16-080	Relief from obligation to reimburse. [Order II, Regulation 8, filed 12/7/64.] Repealed by 98-01-022, filed 12/8/97, effective 1/8/98.
82-16-090	Reports to legislature. [Statutory Authority: RCW 4.92.170. 79-09-057 (Order 43), § 82-16-090, filed 8/24/79; Order 5, § 82-16-090, filed 4/28/69, effective 5/30/69; Emergency Order 4, filed 3/27/69; Order II,

	42), § 82-24-100, filed 8/24/79, effective 10/1/79; Order 3, § 82-24-100, filed 4/4/68, effective 5/6/68.] Repealed by 98-18-017, filed 8/21/98, effective 9/21/98.	
82-24-110	Mobile home moves. [Statutory Authority: RCW 43.03.110 and 43.03.120. 87-06-012 (Order 87-64), § 82-24-110, filed 2/20/87. Statutory Authority: RCW 43.03.120. 79-09-056 (Order 42), § 82-24-110, filed 8/24/79, effective 10/1/79; Order 3, § 82-24-110, filed 4/4/68, effective 5/6/68.] Repealed by 98-18-017, filed 8/21/98, effective 9/21/98.	
82-24-120	Damage claim procedure. [Order 3, § 82-24-120, filed 4/4/68, effective 5/6/68.] Repealed by 98-18-017, filed 8/21/98, effective 9/21/98.	
82-24-130	Payment of moving expenses. [Statutory Authority: RCW 43.03.110 and 43.03.120. 87-06-012 (Order 87-64), § 82-24-130, filed 2/20/87. Statutory Authority: RCW 43.03.120. 81-10-021 (Order 52), § 82-24-130, filed 4/28/81, effective 6/1/81; 79-09-056 (Order 42), § 82-24-130, filed 8/24/79, effective 10/1/79; Order 3, § 82-24-130, filed 4/4/68, effective 5/6/68.] Repealed by 98-18-017, filed 8/21/98, effective 9/21/98.	
Chapter 82-28 TRAVEL REGULATIONS		
82-28-010	Control of travel. [Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-010, filed 12/2/83; 79-04-010 (Order 41), § 82-28-010, filed 3/12/79, effective 4/15/79; Order 30, § 82-28-010, filed 6/1/76; Order 14, § 82-28-010, filed 7/27/71; Order 8, § 82-28-010, filed 6/16/70.] Repealed by 98-18-018, filed 8/21/98, effective 9/21/98.	82-28-080
82-28-020	Conventions and conferences. [Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-020, filed 12/2/83; Order 30, § 82-28-020, filed 6/1/76; Order 8, § 82-28-020, filed 6/16/70.] Repealed by 98-18-018, filed 8/21/98, effective 9/21/98.	
82-28-030	Applicability of regulations. [Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-030, filed 12/2/83; Order 8, § 82-28-030, filed 6/16/70.] Repealed by 98-18-018, filed 8/21/98, effective 9/21/98.	
82-28-040	Basis for reimbursement. [Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-040, filed 12/2/83; 79-04-010 (Order 41), § 82-28-040, filed 3/12/79, effective 4/15/79; Order 30, § 82-28-040, filed 6/1/76; Order 14, § 82-28-040, filed 7/27/71; Order 8, § 82-28-040, filed 6/16/70.] Repealed by 98-18-018, filed 8/21/98, effective 9/21/98.	
82-28-050	Per diem allowance in lieu of actual expenses for subsistence and lodging. [Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-050, filed 12/2/83; 81-10-020 (Order 50), § 82-28-050, filed 4/28/81; 79-04-010 (Order 41), § 82-28-050, filed 3/12/79, effective 4/15/79; Order 37, § 82-28-050, filed 12/1/77, effective 1/1/78; Emergency Order 36, § 82-28-050, filed 10/1/77; Order 35, § 82-28-050, filed 9/1/77, effective 10/1/77; Order 30, § 82-28-050, filed 6/1/76; Order 18, § 82-28-050, filed 6/24/74; Order 15, § 82-28-050, filed 2/16/72; Order 14, § 82-28-050, filed 7/27/71; Order 8, § 82-28-050, filed 6/16/70.] Repealed by 98-18-018, filed 8/21/98, effective 9/21/98.	
82-28-060	Reimbursable transportation expenses. [Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-060, filed 12/2/83; Order 10, § 82-28-060, filed 7/17/70, effective 8/17/70; Order 8, § 82-28-060, filed 6/16/70.] Repealed by 98-18-018, filed 8/21/98, effective 9/21/98.	
82-28-06001	Special allowances for higher than usual subsistence and lodging cost locations. [Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-06001, filed 12/2/83; 81-10-020 (Order 50), § 82-28-06001, filed 4/28/81; 79-04-010 (Order 41), § 82-28-06001, filed 3/12/79, effective 4/15/79; Order 37, § 82-28-060 (codified as WAC 82-28-06001), filed 12/1/77, effective 1/1/78; Emergency Order 36, § 82-28-060 (codified as WAC 82-28-06001), filed 10/1/77; Order 35, § 82-28-060 (codified as WAC 82-28-06001), filed 9/1/77, effective 10/1/77.] Repealed by 98-18-018, filed 8/21/98, effective 9/21/98.	
82-28-070	Official transportation request (SF 6855). [Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-070, filed 12/2/83; Order 14, § 82-28-070, filed 7/27/71; Order 10, § 82-28-070, filed 7/17/70, effective 8/17/70; Order 8, § 82-28-070, filed 6/16/70.] Repealed by 98-18-018, filed 8/21/98, effective 9/21/98.	
	Reimbursement for use of privately-owned motor vehicles. [Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-080, filed 12/2/83; 81-10-020 (Order 50), § 82-28-080, filed 4/28/81; 80-06-074 (Order 49), § 82-28-080, filed 5/22/80; 80-04-021 (Order 46), § 82-28-080, filed 3/14/80; 79-04-010 (Order 41), § 82-28-080, filed 3/12/79, effective 4/15/79; 78-06-027 (Order 39), § 82-28-080, filed 5/18/78, effective 7/1/78; Order 35, § 82-28-080, filed 9/1/77; Order 30, § 82-28-080, filed 6/1/76; Order 18, § 82-28-080, filed 6/24/74; Order 8, § 82-28-080, filed 6/16/70.] Repealed by 98-18-018, filed 8/21/98, effective 9/21/98.	
	Miscellaneous travel expenses. [Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-090, filed 12/2/83; Order 8, § 82-28-090, filed 6/16/70.] Repealed by 98-18-018, filed 8/21/98, effective 9/21/98.	82-28-090
	Leave of absence during travel. [Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-100, filed 12/2/83; Order 8, § 82-28-100, filed 6/16/70.] Repealed by 98-18-018, filed 8/21/98, effective 9/21/98.	82-28-100
	Travel for convenience of employee. [Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-110, filed 12/2/83; Order 14, § 82-28-110, filed 7/27/71; Order 8, § 82-28-110, filed 6/16/70.] Repealed by 98-18-018, filed 8/21/98, effective 9/21/98.	82-28-110
	Submission of travel expense vouchers. [Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-120, filed 12/2/83; Order 8, § 82-28-120, filed 6/16/70.] Repealed by 98-18-018, filed 8/21/98, effective 9/21/98.	82-28-120
	Receipts and information required in support of travel expense vouchers. [Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-130, filed 12/2/83; 79-04-010 (Order 41), § 82-28-130, filed 3/12/79, effective 4/15/79; Order 15, § 82-28-130, filed 2/16/72; Order 14, § 82-28-130, filed 7/27/71; Order 8, § 82-28-130, filed 6/16/70.] Repealed by 98-18-018, filed 8/21/98, effective 9/21/98.	82-28-130
	Direct payment to vendors supplying subsistence or lodging. [Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-135, filed 12/2/83; Order 35, § 82-28-135, filed 9/1/77.] Repealed by 98-18-018, filed 8/21/98, effective 9/21/98.	82-28-135
	Purpose of travel expense advances. [Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-140, filed 12/2/83; Order 8, § 82-28-140, filed 6/16/70.] Repealed by 98-18-018, filed 8/21/98, effective 9/21/98.	82-28-140
	How to obtain travel expense advances. [Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-150, filed 12/2/83; Order 8, § 82-28-150, filed 6/16/70.] Repealed by 98-18-018, filed 8/21/98, effective 9/21/98.	82-28-150
	Subsequent accounting for travel advances. [Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-160, filed 12/2/83; Order 8, § 82-28-160, filed 6/16/70.] Repealed by 98-18-018, filed 8/21/98, effective 9/21/98.	82-28-160
	Default by employee. [Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-170, filed 12/2/83; Order 8, § 82-28-170, filed 6/16/70.] Repealed by 98-18-018, filed 8/21/98, effective 9/21/98.	82-28-170
	Limitation of use of travel expense advance monies. [Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-180, filed 12/2/83; Order 8, § 82-28-180, filed 6/16/70.] Repealed by 98-18-018, filed 8/21/98, effective 9/21/98.	82-28-180
	Use of privately-owned motor vehicle. [Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-190, filed 12/2/83; 79-04-010 (Order 41), § 82-28-190, filed 3/12/79, effective 4/15/79; Order 30, § 82-28-190, filed 6/1/76; Order 8, § 82-28-190, filed 6/16/70.] Repealed by 98-18-018, filed 8/21/98, effective 9/21/98.	82-28-190
	Use of state motor vehicles—General requirements. [Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-200, filed 12/2/83; Order 30, § 82-28-200, filed 6/1/76; Order 8, § 82-28-	82-28-200

200, filed 6/16/70.] Repealed by 98-18-018, filed 8/21/98, effective 9/21/98.

82-28-210 Passenger motor vehicle accident reports. [Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-210, filed 12/2/83; Order 30, § 82-28-210, filed 6/1/76; Order 8, § 82-28-210, filed 6/16/70.] Repealed by 98-18-018, filed 8/21/98, effective 9/21/98.

82-28-220 Use of rental motor vehicles. [Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-220, filed 12/2/83; Order 8, § 82-28-220, filed 6/16/70.] Repealed by 98-18-018, filed 8/21/98, effective 9/21/98.

82-28-230 Prospective employee interview expenses. [Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-230, filed 12/2/83; 79-04-010 (Order 41), § 82-28-230, filed 3/12/79, effective 4/15/79; Order 37, § 82-28-230, filed 12/1/77, effective 1/1/78; Emergency Order 36, § 82-28-230, filed 10/1/77; Order 35, § 82-28-230, filed 9/1/77, effective 10/1/77; Order 18, § 82-28-230, filed 6/24/74; Order 14, § 82-28-230, filed 7/27/71; Order 8, § 82-28-230, filed 6/16/70.] Repealed by 98-18-018, filed 8/21/98, effective 9/21/98.

Chapter 82-36

UTILIZATION OF PASSENGER MOTOR VEHICLES

82-36-010 Purpose. [Order 27, § 82-36-010, filed 11/20/75; Order 23, § 82-36-010, filed 6/2/75.] Repealed by 98-18-014, filed 8/21/98, effective 9/21/98.

82-36-020 Intent. [Order 27, § 82-36-020, filed 11/20/75; Order 23, § 82-36-020, filed 6/2/75.] Repealed by 98-18-014, filed 8/21/98, effective 9/21/98.

82-36-030 Definitions. [Statutory Authority: RCW 43.41.130. 83-03-003 (Order 56), § 82-36-030, filed 1/7/83; 80-02-162 (Order 45), § 82-36-030, filed 2/6/80; Order 27, § 82-36-030, filed 11/20/75; Order 23, § 82-36-030, filed 6/2/75.] Repealed by 98-18-014, filed 8/21/98, effective 9/21/98.

82-36-033 Management. [Order 28, § 82-36-033, filed 12/30/75.] Repealed by 98-18-014, filed 8/21/98, effective 9/21/98.

82-36-035 Acquisition of passenger motor vehicles. [Order 27, § 82-36-035, filed 11/20/75.] Repealed by 98-18-014, filed 8/21/98, effective 9/21/98.

82-36-040 Criteria for permanently assigned vehicle. [Order 28, § 82-36-040, filed 12/30/75; Order 27, § 82-36-040, filed 11/20/75; Order 23, § 82-36-040, filed 6/2/75.] Repealed by 98-18-014, filed 8/21/98, effective 9/21/98.

82-36-050 Criteria for use of state-owned or operated passenger motor vehicles between duty station and official residence. [Order 28, § 82-36-050, filed 12/30/75; Order 23, § 82-36-050, filed 6/2/75.] Repealed by 98-18-014, filed 8/21/98, effective 9/21/98.

82-36-060 Travel and passenger vehicle operating records and reports. [Order 28, § 82-36-060, filed 12/30/75; Order 27, § 82-36-060, filed 11/20/75; Order 23, § 82-36-060, filed 6/2/75.] Repealed by 98-18-014, filed 8/21/98, effective 9/21/98.

82-36-070 Use of privately-owned automobiles. [Order 28, § 82-36-070, filed 12/30/75; Order 27, § 82-36-070, filed 11/20/75; Order 23, § 82-36-070, filed 6/2/75.] Repealed by 98-18-014, filed 8/21/98, effective 9/21/98.

82-36-080 Use of state-owned or operated passenger motor vehicles. [Order 28, § 82-36-080, filed 12/30/75; Order 27, § 82-36-080, filed 11/20/75; Order 23, § 82-36-080, filed 6/2/75.] Repealed by 98-18-014, filed 8/21/98, effective 9/21/98.

82-36-090 Passenger motor vehicle accident reports. [Order 28, § 82-36-090, filed 12/30/75; Order 23, § 82-36-090, filed 6/2/75.] Repealed by 98-18-014, filed 8/21/98, effective 9/21/98.

82-36-100 Use of commercial rental cars. [Order 23, § 82-36-100, filed 6/2/75.] Repealed by Order 28, filed 12/30/75.

82-36-110 Confidential license plates. [Order 23, § 82-36-110, filed 6/2/75.] Repealed by Order 28, filed 12/30/75.

82-36-120 Noncompliance. [Order 28, § 82-36-120, filed 12/30/75; Order 23, § 82-36-120, filed 6/2/75.] Repealed by 98-18-014, filed 8/21/98, effective 9/21/98.

82-36-130 Conservation. [Order 28, § 82-36-130, filed 12/30/75; Order 23, § 82-36-130, filed 6/2/75.] Repealed by 98-18-014, filed 8/21/98, effective 9/21/98.

82-36-140 Maintenance and repair. [Order 28, § 82-36-140, filed 12/30/75.] Repealed by 98-18-014, filed 8/21/98, effective 9/21/98.

82-36-150

Disposal of passenger motor vehicles. [Order 27, § 82-36-150, filed 11/20/75.] Repealed by 98-18-014, filed 8/21/98, effective 9/21/98.

Chapter 82-40

FINANCING OF HISTORIC PRESERVATION GRANTS

82-40-010 Scope of chapter. [Order 26, § 82-40-010, filed 8/19/75.] Repealed by 98-18-016, filed 8/21/98, effective 9/21/98.

82-40-020 Entities eligible for funding assistance. [Order 26, § 82-40-020, filed 8/19/75.] Repealed by 98-18-016, filed 8/21/98, effective 9/21/98.

82-40-030 Projects eligible for funding. [Order 26, § 82-40-030, filed 8/19/75.] Repealed by 98-18-016, filed 8/21/98, effective 9/21/98.

82-40-040 Matching requirements. [Order 26, § 82-40-040, filed 8/19/75.] Repealed by 98-18-016, filed 8/21/98, effective 9/21/98.

82-40-050 Procedural detail. [Order 26, § 82-40-050, filed 8/19/75.] Repealed by 98-18-016, filed 8/21/98, effective 9/21/98.

82-40-060 Administrative costs. [Order 26, § 82-40-060, filed 8/19/75.] Repealed by 98-18-016, filed 8/21/98, effective 9/21/98.

82-40-070 Joint rules. [Order 26, § 82-40-070, filed 8/19/75.] Repealed by 98-18-016, filed 8/21/98, effective 9/21/98.

Chapter 82-44

STATE ENVIRONMENTAL POLICY ACT REGULATIONS

82-44-010 Exempt activities. [Order 31, § 82-44-010, filed 7/19/76.] Repealed by 98-18-015, filed 8/21/98, effective 9/21/98.

82-44-020 Capital budget defined. [Order 31, § 82-44-020, filed 7/19/76.] Repealed by 98-18-015, filed 8/21/98, effective 9/21/98.

82-44-030 Application of environmental considerations to the capital budgeting process. [Order 31, § 82-44-030, filed 7/19/76.] Repealed by 98-18-015, filed 8/21/98, effective 9/21/98.

82-44-040 Capital budget—Lead agency. [Order 31, § 82-44-040, filed 7/19/76.] Repealed by 98-18-015, filed 8/21/98, effective 9/21/98.

82-44-050 Lead agency determines timing of the environmental impact statement (EIS) process. [Order 31, § 82-44-050, filed 7/19/76.] Repealed by 98-18-015, filed 8/21/98, effective 9/21/98.

82-44-060 Project checklists. [Order 31, § 82-44-060, filed 7/19/76.] Repealed by 98-18-015, filed 8/21/98, effective 9/21/98.

82-44-070 Exempt project requests. [Order 31, § 82-44-070, filed 7/19/76.] Repealed by 98-18-015, filed 8/21/98, effective 9/21/98.

82-44-080 Project checklist to legislature. [Order 31, § 82-44-080, filed 7/19/76.] Repealed by 98-18-015, filed 8/21/98, effective 9/21/98.

82-44-090 Compliance with State Environmental Policy Act (SEPA). [Order 31, § 82-44-090, filed 7/19/76.] Repealed by 98-18-015, filed 8/21/98, effective 9/21/98.

Chapter 82-04 WAC

WAGE OVERPAYMENT ADJUDICATIVE HEARINGS

WAC

82-04-010

Appellant notice to request adjudicative hearing.

82-04-020

Agency transmissions to the office of administrative hearings.

82-04-030

Adjudicative hearing process.

82-04-040

Adjudicative hearing requirements.

82-04-050

Adjudicative hearing decision.

82-04-060

Good cause requirements.

82-04-070

Exclusions to Administrative Procedure Act.

WAC 82-04-010 Appellant notice to request adjudicative hearing. (1) Once the appellant has notified the agency that he or she wishes to appeal the agency's review decision, the agency shall transmit the appellant's application for an adjudicative proceeding (request for hearing) to the

office of administrative hearings (OAH) within ten business days after receiving it from the appellant.

(2) In any wage overpayment matter that is appealed, the agency shall provide OAH with the following information:

(a) The name of the agency contact in the matter and any contact information;

(b) The name of the appellant and any contact information, including address and telephone number;

(c) The name and address of the agency contact for billing purposes; and

(d) The name and address of the agency contact where the file should be sent after OAH closes the adjudicative proceeding.

(3) The agency shall transmit all requests for hearing to the following address: Office of Administrative Hearings, 919 Lakeridge Way SW, P.O. Box 42488, Olympia, WA 98504-2488; (360) 664-8717; fax (360) 664-8721.

[Statutory Authority: 2003 c 77. 03-21-024, § 82-04-010, filed 10/7/03, effective 11/7/03.]

WAC 82-04-020 Agency transmissions to the office of administrative hearings. Within ten business days of receipt of the appellant's request for hearing, the agency shall also transmit to OAH the relevant case file, including documents which the agency intends to use as exhibits in the hearing. The case file and documents may be transmitted to OAH together with the request for hearing. If the case file and documents are exceptionally voluminous, the agency should contact OAH for instructions before transmitting them.

[Statutory Authority: 2003 c 77. 03-21-024, § 82-04-020, filed 10/7/03, effective 11/7/03.]

WAC 82-04-030 Adjudicative hearing process. (1) It shall be the responsibility of OAH to issue the notice of hearing to the appellant and the agency.

(2) Either party may request a prehearing conference.

(3) The hearing shall be held telephonically unless the rights of the parties will be prejudiced thereby or at the discretion of the administrative law judge (ALJ).

(4) The hearing shall be recorded electronically and no transcript is required, unless specified otherwise in law or rule.

(5) In any adjudicative proceedings for wage overpayments, the ALJ shall apply the model rules of procedure, set forth in chapter 10-08 WAC, which shall govern the proceedings regardless of WAC 10-08-001(4) or other agency procedural rules to the contrary.

(6) All costs of the hearing shall be borne by the agency and OAH shall bill the agency for the hearing costs incurred.

[Statutory Authority: 2003 c 77. 03-21-024, § 82-04-030, filed 10/7/03, effective 11/7/03.]

WAC 82-04-040 Adjudicative hearing requirements. The ALJ shall hear the evidence presented by both the appellant and the agency regarding the wage overpayment. The ALJ shall decide based upon that evidence whether a wage overpayment has occurred and, if so, what amount appellant owes the agency. Recoupment of an overpayment shall be conducted pursuant to chapter 77, Laws of 2003 (Substitute

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House Bill 1738) and the ALJ shall not have authority to decide repayment issues.

[Statutory Authority: 2003 c 77. 03-21-024, § 82-04-040, filed 10/7/03, effective 11/7/03.]

WAC 82-04-050 Adjudicative hearing decision. The decision of the ALJ in any wage overpayment adjudicative proceeding shall be considered a final order.

[Statutory Authority: 2003 c 77. 03-21-024, § 82-04-050, filed 10/7/03, effective 11/7/03.]

WAC 82-04-060 Good cause requirements. (1) If a person with a right to an adjudicative proceeding under chapter 77, Laws of 2003, files a request for hearing after the period for doing so has passed, the person must show good cause why the request for hearing should be granted.

(2)(a) If the ALJ finds good cause for filing a late hearing request, the ALJ shall conduct a hearing on the merits.

(b) If the ALJ does not find good cause for filing a late hearing request, the agency's overpayment decision is deemed final and the agency shall proceed to collect the wage overpayment as provided in chapter 77, Laws of 2003.

(3) As used in this section, "good cause" means a substantial reason or legal justification for failing to file a request for an adjudicative proceeding within the time period mandated by statute.

[Statutory Authority: 2003 c 77. 03-21-024, § 82-04-060, filed 10/7/03, effective 11/7/03.]

WAC 82-04-070 Exclusions to Administrative Procedure Act. For purposes of adjudicative proceedings of state employee wage overpayments, the exclusions to the administrative procedure act found in RCW 34.05.030 do not apply.

[Statutory Authority: 2003 c 77. 03-21-024, § 82-04-070, filed 10/7/03, effective 11/7/03.]

Chapter 82-05 WAC

PETITION PROCESS FOR ADOPTION, REPEAL OR AMENDMENT OF AN AGENCY RULE

WAC

82-05-010	Purpose.
82-05-020	What information must I include in a petition?
82-05-030	How do I submit a petition?
82-05-040	What happens after a petition is submitted?
82-05-050	How can I appeal agency denial of a petition?

WAC 82-05-010 Purpose. This chapter describes the requirements and process for petitioning an agency to adopt, repeal, or amend a rule under RCW 34.05.330.

[Statutory Authority: 1995 c 403 § 703. 96-03-048, § 82-05-010, filed 1/12/96, effective 2/12/96.]

WAC 82-05-020 What information must I include in a petition? (1) Every petition for adoption, repeal, or amendment of a rule must include the following:

(a) The name of the agency responsible for administering the rule, and

(b) The rationale for adoption of a new rule or amendment or repeal of an existing rule.

(c) In addition to any other concerns, you, the petitioner, are encouraged to address whether:

(2007 Ed.)

- (i) The rule is authorized
 - (ii) The rule is needed
 - (iii) The rule conflicts with or duplicates other federal, state, or local laws
 - (iv) Alternatives to the rule exist that will serve the same purpose at less cost
 - (v) The rule applies differently to public and private entities
 - (vi) The rule serves the purposes for which it was adopted
 - (vii) The rule imposes unreasonable costs
 - (viii) The rule is clearly and simply stated, and
 - (ix) The rule differs, without adequate justification, from a federal law which applies to the same activity or subject matter.
- (2)

When you are:	Petition should include:
Proposing a new rule	Text of proposed rule or description of its provisions
Requesting amendment of existing agency rule	Name, title, number of rule, and text or description of amendment
Requesting repeal of existing agency rule	Name, title, number of rule, and description of effects of repeal

The petition should contain sufficient information so that the agency and public can understand the proposal.

(3) You, the petitioner, can obtain a standard petition form from the office of financial management or any state agency involved in rule making. Agencies must accept petitions submitted using the standard form or in any other format that provides the information described in (1) or (2) of this section.

[Statutory Authority: 1995 c 403 § 703. 96-03-048, § 82-05-020, filed 1/12/96, effective 2/12/96.]

WAC 82-05-030 How do I submit a petition? (1) Petitions for adoption, repeal, or amendment of a rule must be sent to the rules coordinator of the agency responsible for administration of the rule.

(2) Submission of a petition is defined as receipt of the petition by the administering agency.

[Statutory Authority: 1995 c 403 § 703. 96-03-048, § 82-05-030, filed 1/12/96, effective 2/12/96.]

WAC 82-05-040 What happens after a petition is submitted? (1) Within a reasonable time, the administering agency will send you, the petitioner, acknowledgement of receipt of the petition, including the name and telephone number of a contact person.

(2) No later than sixty days after receipt of a petition, the agency must either

(a) Initiate rule-making proceedings in accordance with chapter 34.05 RCW, or

(b) Deny the petition in writing, stating its reasons for the denial and specifically addressing the concerns stated in the petition. Where appropriate, the agency must indicate alternative means by which the agency will address the concerns raised in the petition.

(2007 Ed.)

[Statutory Authority: 1995 c 403 § 703. 96-03-048, § 82-05-040, filed 1/12/96, effective 2/12/96.]

WAC 82-05-050 How can I appeal agency denial of a petition? (1) Within thirty days of the denial, you, the petitioner, may appeal the denial to the governor.

(2) The governor will process the appeal according to RCW 34.05.330(3).

[Statutory Authority: RCW 34.05.330. 02-02-037, § 82-05-050, filed 12/26/01, effective 1/26/02. Statutory Authority: 1995 c 403 § 703. 96-03-048, § 82-05-050, filed 1/12/96, effective 2/12/96.]

Chapter 82-06 WAC GENERAL PROVISIONS

WAC

82-06-010

Waiver of interest on past due receivables.

WAC 82-06-010 Waiver of interest on past due receivables. (1) Under RCW 43.17. __ (section 2, chapter 85, Laws of 1991), state agencies may waive the mandatory one percent per month interest charge on past due receivables if any of the following criteria apply:

(a) It would not be cost effective to charge interest on an individual debt or a class of debts. This includes, but is not limited to, the following:

(i) Situations where the cost of charging interest is expected to exceed the amount of interest received;

(ii) Situations where the cost of developing systems to charge interest is expected to exceed the amount of interest received. The word "systems" in this context refers to both computer systems and general systems of managing and processing receivables.

(b) Late payment was caused by the state, such as by providing incorrect information or instructions, or by providing necessary forms and instructions too late for timely payment when the forms or instructions had been ordered timely.

(c) The delinquency was caused by the death or serious illness of:

(i) The person responsible for paying the debt; or

(ii) A person whose assistance was vital to the payment, such as the accountant; or

(iii) A person in the immediate family of a person in (i) or (ii) of this subsection.

(d) Payment was made on time, but to the wrong governmental agency.

(e) The delinquency was caused by the destruction by fire or other casualty of the debtor's place of business, home, or records.

(f) Late payment was caused by natural disasters, disruptions in postal or delivery service, power failures, work stoppages due to labor disputes, or any other cause resulting from circumstances clearly beyond the control of the debtor.

(g) The account is subject to good faith dispute when, before the date of timely payment, notice of the dispute is:

(i) Sent by certified mail; or

(ii) Personally delivered; or

(iii) Sent in accordance with procedures in the contract.

(h) The debt is for public assistance or food stamp overpayments to individuals, where the overpayments were not in whole or in part caused by the recipients.

(i) Late payment on the debt is the result of late payment by another payor, such as when a person damages state property but does not know the amount of his or her personal obligation to the state until the portion covered by the person's liability insurance is known.

(j) The charging of interest would damage international relations.

(2) Requests for waivers of interest under criteria in subsection (1)(b), (c), (d), (e), and (f) of this section must be in letter form, must contain all pertinent facts, must be accompanied by such proof as is available, and must be received by the department within sixty days of the incident. The burden of proving the facts is on the debtor.

Waivers under the remaining criteria in subsection (1) of this section must be documented for the purpose of audits by the state auditor's office.

(3) Each agency must apply the criteria in subsection (1) of this section consistently.

[Statutory Authority: 1991 c 85 § 2. 91-18-028, § 82-06-010, filed 8/28/91, effective 9/29/91.]

Chapter 82-10 WAC PUBLIC FUNDS CASH FLOW

WAC

82-10-010	Estimate of cash flow.
82-10-020	Agency to provide information.
82-10-030	Purview of state treasurer.

WAC 82-10-010 Estimate of cash flow. This rule is promulgated pursuant to RCW 43.41.110(13). The office of financial management (OFM) is the primary agency responsible to estimate the cash flow of the state general fund and accounts in the general fund. OFM has the responsibility to manage funds to enhance the cash flow position of the general fund and accounts in the general fund after consultation with any affected agency, council, commission, department or office.

[Statutory Authority: RCW 43.41.110(13). 82-20-028 (Order 1982-1), § 82-10-010, filed 9/30/82.]

WAC 82-10-020 Agency to provide information. In order to carry out the provision of WAC 82-10-010, state agencies, councils, commissions, departments, or offices depositing, transferring or disbursing funds from the general fund or accounts in the general fund will provide such information as deemed necessary by OFM to estimate and manage the cash flow of the general fund.

[Statutory Authority: RCW 43.41.110(13). 82-20-028 (Order 1982-1), § 82-10-020, filed 9/30/82.]

WAC 82-10-030 Purview of state treasurer. The state treasurer's office is the state agency responsible to oversee daily cash management operations of all treasury and trust funds in the state treasury. Where permitted by state law, this responsibility includes the monitoring and estimation of all funds in the treasury, the collection and processing of all receipts into the treasury, the issuance of payments and the investment of temporarily surplus funds.

[Statutory Authority: RCW 43.41.110(13). 82-20-028 (Order 1982-1), § 82-10-030, filed 9/30/82.]

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Chapter 82-12 WAC

PAYMENT OF ASSESSMENTS AGAINST STATE-OWNED LAND

WAC

82-12-001	Promulgation.
82-12-010	"Director," "agency head," defined.
82-12-020	Notice of intention to make improvements.
82-12-030	Agency head to determine benefit and validity.
82-12-040	Exceptions and action based thereon.
82-12-050	Inclusion of proposed assessment in capital budget.
82-12-060	Statement of assessment—Delivery—Certification.
82-12-070	Reimbursement to general fund.
82-12-080	Basis for director's action in paying assessments.
82-12-090	Procedure for payment from appropriated or local funds.
82-12-100	Improvements in harbor areas and state tidelands.
82-12-110	Liens and sales for unpaid assessments.
82-12-120	Additional records to provide supporting information.

WAC 82-12-001 Promulgation. I, Warren A. Bishop, director of central budget agency of the state of Washington, by virtue of the authority vested in me under chapter 79.44 RCW, after due notice as provided under chapters 34.04 and 42.32 RCW, at a public hearing held in Olympia on December 4, 1964, do promulgate the following regulations.

[Order I, Promulgation, filed 12/7/64.]

WAC 82-12-010 "Director," "agency head," defined. For the purposes of these rules "the director" means the director of the central budget agency of the state of Washington. The chief administrative officer or the person or persons as charged by law with ultimate responsibility for administration of the agency of state government occupying, using or having jurisdiction over state-owned lands will be referred to as "agency head."

[Order I, Regulation 1, filed 12/7/64.]

WAC 82-12-020 Notice of intention to make improvements. Assessing district officials will submit a notice of intention to make improvements, together with an estimate of the amount to be charged to each lot, tract or parcel of land or other properties owned by the state to be assessed for such improvements, and such notice shall be forwarded by registered or certified mail to the director and to the agency head of state government occupying or having jurisdiction over such lands at least thirty days prior to the date fixed for the hearing of the resolution or petition initiating such improvements. In the case of irrigation districts where state lands are situated in or to be taken into an irrigation district, the commissioner of public lands shall be served with a copy of the petition proposing to include such lands as is prescribed by RCW 87.03.025.

[Order I, Regulation 2, filed 12/7/64.]

WAC 82-12-030 Agency head to determine benefit and validity. It shall be the responsibility of the agency head having jurisdiction over lands to be assessed, or his duly authorized representative, to appear for the state of Washington in all assessment district hearings or otherwise insure that proposed improvements will specially benefit state-owned lands, that the proposed costs are just and equitable, and that the improvement is within the intent of the statutes governing that land.

[Order I, Regulation 3, filed 12/7/64.]

WAC 82-12-040 Exceptions and action based thereon. If the agency head determines that the proposed improvements are not specially beneficial to state-owned lands or are not authorized by law or that the amount assessed against state-owned lands is not the just and equitable portion of the cost of the improvements which the state should pay as specified in WAC 82-12-030 and RCW 79.44.020, then it shall be his responsibility to initiate formal action commensurate with his exceptions to said improvements. The agency head shall immediately notify the assessing district and the director by registered or certified mail of his exceptions. When necessary, the agency head shall utilize all legal remedies available to property owners to challenge the amount or validity of any assessment.

[Order I, Regulation 4, filed 12/7/64.]

WAC 82-12-050 Inclusion of proposed assessment in capital budget. When a state agency is the sole or principal beneficiary of a local improvement district assessment, and has some voice in determining the timing of the project, it shall include the proposed assessments in its regular capital budget.

[Order I, Regulation 5, filed 12/7/64.]

WAC 82-12-060 Statement of assessment—Delivery—Certification. When an assessment roll has been approved and confirmed, the assessing district, or in the case of an irrigation district the county treasurer, shall forward the statement of assessment to the director and to the agency head. The agency head shall investigate the assessment and submit a certification to the director that:

- (1) The assessment claim is correct and properly chargeable to the state;
- (2) No funds were specifically appropriated to his agency or budgeted from local fund sources for payment of assessment claims, or that such funds have been expended;
- (3) If interest is to be charged, that it is the same rate as for other property situated in the same assessing district:
 - (a) Statutory authority governing the interest rate charged will be referenced;
 - (b) Agency heads may request that such information be provided by the county treasurer submitting the assessment claim;
- (4) It is a proper charge to the program(s) and fund(s) named, and the reasons therefor; and
- (5) The certification statement shall identify the payee and the amount due.

[Order I, Regulation 6, filed 12/7/64.]

WAC 82-12-070 Reimbursement to general fund. In accordance with the provisions of section 2, chapter 21, Laws of 1963 ex. sess., or a similar section in subsequent appropriation bills, the director will reimburse the general fund for any assessment expenditures on behalf of an agency which is financed by other than general fund moneys, if any balance remains in the fund or funds which finance such agency, prior to the end of the state biennial fiscal period.

[Order I, Regulation 7, filed 12/7/64.]

(2007 Ed.)

WAC 82-12-080 Basis for director's action in paying assessments. The director's action in making payment of assessment or reimbursing the general fund for such payment will be based upon an analysis of statements (2), (3), and (4) of WAC 82-12-060. Agency determinations will be considered conclusive for statements (1) and (5).

[Order I, Regulation 8, filed 12/7/64.]

WAC 82-12-090 Procedure for payment from appropriated or local funds. The agency head of an agency that has available appropriated or local fund sources for the payment of assessment claims shall make such payments in accordance with the provisions of these regulations and the state budget and accounting procedures; and shall maintain such records as deemed necessary to provide certification to fulfill the requirements of chapter 79.44 RCW and these regulations.

[Order I, Regulation 9, filed 12/7/64.]

WAC 82-12-100 Improvements in harbor areas and state tidelands. Assessing districts shall not order local improvements that relate to the interest of the state in harbor areas and state tidelands until the written consent of the commissioner of public lands to the making of such improvements has been obtained; and/or the other conditions of RCW 79.44.040 have been complied with.

[Order I, Regulation 10, filed 12/7/64.]

WAC 82-12-110 Liens and sales for unpaid assessments. No lands of the state shall be subject to a lien for unpaid assessments, nor shall the interest of the state in any land be sold for unpaid assessments where assessment liens were attached to the lands prior to state ownership.

[Order I, Regulation 11, filed 12/7/64.]

WAC 82-12-120 Additional records to provide supporting information. The director may direct assessing districts and state agencies to maintain additional records to provide supporting information to fulfill the procedural requirements of certification as promulgated by this order.

[Order I, Regulation 12, filed 12/7/64.]

Chapter 82-20 WAC

ELECTRONIC ACCEPTANCE AND DISBURSEMENT OF FUNDS

WAC

82-20-010	Purpose.
82-20-025	Definitions.
82-20-035	Is an economic feasibility study required?
82-20-045	Agency requirements.
82-20-050	Financial institution requirements.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

82-20-020	Payroll system requirements. [Statutory Authority: RCW 43.08.085. 82-05-030 (Order 53), § 82-20-020, filed 2/11/82.] Repealed by 05-24-062, filed 12/2/05, effective 1/3/06. Statutory Authority: RCW 43.41.180 and 43.41.110(14).
82-20-030	Agency requirements. [Statutory Authority: RCW 43.08.085. 82-05-030 (Order 53), § 82-20-030, filed 2/11/82.] Repealed by 05-24-062, filed 12/2/05, effective 1/3/06.

- 82-20-040 Recipient requirements. [Statutory Authority: RCW 43.08.085. 82-05-030 (Order 53), § 82-20-040, filed 2/11/82.] Repealed by 05-24-062, filed 12/2/05, effective 1/3/06. Statutory Authority: RCW 43.41.180 and 43.41.110(14).
- 82-20-060 Subsequent transactions. [Statutory Authority: RCW 43.08.085. 82-05-030 (Order 53), § 82-20-060, filed 2/11/82.] Repealed by 05-24-062, filed 12/2/05, effective 1/3/06. Statutory Authority: RCW 43.41.180 and 43.41.110(14).
- 82-20-070 Failure to comply. [Statutory Authority: RCW 43.08.085. 82-05-030 (Order 53), § 82-20-070, filed 2/11/82.] Repealed by 05-24-062, filed 12/2/05, effective 1/3/06. Statutory Authority: RCW 43.41.180 and 43.41.110(14).

WAC 82-20-010 Purpose. The rules adopted in chapter 82-20 WAC further define and clarify the application of RCW 43.41.180, which authorizes the office of financial management to approve the use of electronic and other technological means to transfer funds whenever economically feasible.

[Statutory Authority: RCW 43.41.180 and 43.41.110(14). 05-24-062, § 82-20-010, filed 12/2/05, effective 1/3/06. Statutory Authority: RCW 43.08.085. 82-05-030 (Order 53), § 82-20-010, filed 2/11/82.]

WAC 82-20-025 Definitions. The following definitions apply throughout this chapter unless the context clearly indicates other meaning:

(1) "Agency" means and includes every state agency, office, board, commission, department, state institution, or state institution of higher education, which includes all state universities, regional universities, and community and technical colleges.

(2) An "economic feasibility study" is a package of information that includes a cover letter, a business case and analytical information. It documents the cost/benefit analysis of an agency's proposed electronic payment project and demonstrates the net benefit of the proposed project.

(3) "Economic feasibility" and "economically feasible" mean that over a reasonable period of time, an application's cumulative benefits outweigh or are equivalent to the application's cumulative costs.

(4) "Electronic and other technological means" and "electronic payments" include, but are not limited to, credit cards, debit cards, electronic fund transfers utilizing the automated clearing house network, electronic benefit transfers, wire transfers, lock boxes, electronic checks, smart cards, and stored value cards.

(5) "Financial institution" means any state or federally chartered commercial bank, trust company, mutual savings bank, savings and loan association, or credit union.

(6) "Funds" means any moneys either received or disbursed by a state agency, and applies to all cash types including treasury funds, treasury trust funds, and local funds.

[Statutory Authority: RCW 43.41.180 and 43.41.110(14). 05-24-062, § 82-20-025, filed 12/2/05, effective 1/3/06.]

WAC 82-20-035 Is an economic feasibility study required? In order for the office of financial management to determine whether or not an application is economically feasible, agencies are required to prepare and submit an economic feasibility study for approval. Agencies must file an

economic feasibility study for all new applications to accept or disburse funds by electronic and other technological means and the application must be approved by the office of financial management prior to implementation. This applies to both pilot and permanent applications, and includes, but is not limited to, internet and retail applications. An economic feasibility study is also required for expansions to existing applications. The office of financial management can grant exceptions to the requirement to file an economic feasibility study, for example:

(1) Very small applications and limited expansions to existing approved electronic payment processes may only require a cover letter that incorporates the business case and analytical information. The office of financial management should be contacted to determine if this is an option for a particular application.

(2) Electronic funds transfers into treasury or treasury trust accounts through the automated clearing house network may only require a cover letter to be submitted to the office of financial management that incorporates the business case and analytical information. The office of financial management and the office of the state treasurer should be contacted to determine if this is an option for a particular application.

(3) Applications involving electronic transfers that are limited to information only do not require an economic feasibility study to be submitted. These would include, but are not limited to, bill presentment, employee earnings statements, and remittance advices.

(4) Wire transfers are usually needed immediately and are singular in nature, therefore they do not require an economic feasibility study. However, the agency must work with the office of the state treasurer to ensure that there is not a less expensive alternative available.

[Statutory Authority: RCW 43.41.180 and 43.41.110(14). 05-24-062, § 82-20-035, filed 12/2/05, effective 1/3/06.]

WAC 82-20-045 Agency requirements. (1) The agency is to establish controls to prevent loss of funds. Controls are to include a positive system of validating the amounts to be transferred and verifying that the amounts to be transferred for a recipient are actually due for goods or services received, work performed, benefits due or other purpose as authorized by law.

(2) The agency is to comply with state administrative and accounting policies established by the office of financial management.

(3) The agency is to work with the office of the state treasurer regarding the banking arrangements related to accepting or disbursing funds via electronic and other technological means.

[Statutory Authority: RCW 43.41.180 and 43.41.110(14). 05-24-062, § 82-20-045, filed 12/2/05, effective 1/3/06.]

WAC 82-20-050 Financial institution requirements. Each participating financial institution is responsible for adherence to federal and state statutes and regulations related to the transfer of funds via electronic and other technological means. The state reserves the right to refuse to do business with any financial institution that fails to comply with federal and state statutes and regulations related to the transfer of funds via electronic and other technological means.

[Statutory Authority: RCW 43.41.180 and 43.41.110(14). 05-24-062, § 82-20-050, filed 12/2/05, effective 1/3/06. Statutory Authority: RCW 43.08.085. 82-05-030 (Order 53), § 82-20-050, filed 2/11/82.]

Chapter 82-30 WAC

COUNTY INDIGENT DEFENSE COSTS

WAC

82-30-010	Purpose.
82-30-020	Definitions.
82-30-030	Request for reimbursement.
82-30-040	Reimbursement rates.
82-30-050	Department financial responsibility.
82-30-060	Implied consent to audit.

WAC 82-30-010 Purpose. It is the purpose of this chapter to identify the procedures for reimbursing counties for the cost of legal defense services provided indigent offenders detained solely for violating a condition of postrelease supervision.

[Statutory Authority: RCW 9.94A.175. 90-12-009 (Order 90-71), § 82-30-010, filed 5/25/90, effective 6/25/90.]

WAC 82-30-020 Definitions. As used in this chapter, the following words shall have the following meanings:

(1) "Department" shall mean the department of corrections.

(2) "Secretary" shall mean the secretary of the department of corrections or the secretary's designee.

(3) "Director" shall mean the director of the office of financial management or the director's designee.

(4) "Offender" shall mean a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110.

(5) "Indigent" shall have the same meaning as set forth in chapter 10.101 RCW.

[Statutory Authority: RCW 9.94A.175. 90-12-009 (Order 90-71), § 82-30-020, filed 5/25/90, effective 6/25/90.]

WAC 82-30-030 Request for reimbursement. (1) A county requesting reimbursement, under this chapter, of costs incurred in the legal defense of an indigent offender must have adopted standards for the delivery of public defense services pursuant to chapter 10.101 RCW. The county shall submit to the department a copy of such standards or an affidavit swearing that such standards have been adopted.

(2) The county shall submit to the department with its request for reimbursement an affidavit swearing that the offender has been determined by the court to be indigent pursuant to chapter 10.101 RCW.

(3) The county shall submit documentation on such forms as may be prescribed by the department indicating the offender's name, the dates service was provided, and the amount of reimbursement requested.

(4) All requests for reimbursement and required documentation shall be filed with the Administrator, Office of Contracts and Regulations, Department of Corrections, P.O. Box 9699, Olympia, Washington 98504.

(5) All such requests should be filed within thirty days after the costs for which reimbursement is requested were

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incurred, but in no event later than ten days after the close of the state fiscal biennium during which such costs were incurred.

[Statutory Authority: RCW 9.94A.175. 90-12-009 (Order 90-71), § 82-30-030, filed 5/25/90, effective 6/25/90.]

WAC 82-30-040 Reimbursement rates. (1) Reimbursement shall be restricted to fully documented defense costs for indigent offenders.

(2) The director shall set the rate of reimbursement based on the average per case cost of all county indigent defense costs. The director shall determine to what extent, if any, reimbursement shall be reduced or eliminated because of contribution by the indigent offender receiving the services.

[Statutory Authority: RCW 9.94A.175. 90-12-009 (Order 90-71), § 82-30-040, filed 5/25/90, effective 6/25/90.]

WAC 82-30-050 Department financial responsibility.

(1) Defense costs of any county in connection with hearings conducted pursuant to RCW 9.94A.175 for offenders who are detained by the county solely for violating a condition of post-release supervision shall be the financial responsibility of the department and shall be reimbursed by the department in accordance with this chapter upon receipt and verification by the department of the county's request.

(2) Such reimbursement shall be made to the extent funds allotted by the department for such purpose are available. If the costs of reimbursement to counties exceed the available funds, the secretary shall request the legislature to appropriate additional funds to enable the department to make full reimbursement.

[Statutory Authority: RCW 9.94A.175. 90-12-009 (Order 90-71), § 82-30-050, filed 5/25/90, effective 6/25/90.]

WAC 82-30-060 Implied consent to audit. By submitting a request for reimbursement under this chapter, the requesting county agrees to maintain for a period of five years after the date of the request records which would support such request, and to make such records available for review or audit by the department or the director.

[Statutory Authority: RCW 9.94A.175. 90-12-009 (Order 90-71), § 82-30-060, filed 5/25/90, effective 6/25/90.]

Chapter 82-32 WAC

INVESTMENT OF RETAINED PERCENTAGES ON STATE CONTRACTS FOR PUBLIC WORKS

WAC

82-32-010	Contractor's option regarding retained percentages.
82-32-020	Change of election under options.
82-32-030	Selection of escrow agent.
82-32-040	Escrow agreement.
82-32-050	Escrow costs and fees.
82-32-060	Escrow investments.
82-32-070	Selection of an interest bearing account.
82-32-080	Withdrawal of interest bearing account.
82-32-090	Distribution of interest.

WAC 82-32-010 Contractor's option regarding retained percentages. On all contracts for public improvements or work for which retained percentages are required to be reserved under the provisions of RCW 60.28.010, state agencies shall require the contractor to exercise his option in

writing on whether or not monies reserved from amounts due the contractor shall be retained by the public body, deposited by the public body in an interest bearing account in a bank, mutual savings bank, or savings and loan association, or placed in escrow by the public body. State agencies shall prescribe a procedure for informing the contractor of the options available and the method for exercising the option selected. Said option must be exercised prior to or at time of submission of invoices for the first progress payment to be made under the contract. No progress payment shall be made until the contractor has exercised his option in writing.

[Order 33, § 82-32-010, filed 7/19/76; Order 12, § 82-32-010, filed 10/28/70.]

WAC 82-32-020 Change of election under options. If, during the course of work under a contract for public improvements or work for which amounts are required to be reserved under RCW 60.28.010, the contract completion date is changed, and said change will work an undue hardship upon the contractor when compared to the increased costs to the state agency if a change in election is allowed, said agency may, in its discretion, allow the contractor to change his election under the available options.

[Order 33, § 82-32-020, filed 7/19/76; Order 12, § 82-32-020, filed 10/28/70.]

WAC 82-32-030 Selection of escrow agent. When an election is made to place amounts reserved under chapter 38, Laws of 1970 1st ex. sess. (RCW 60.28.010), in escrow, the contractor and the agency shall select a bank or trust company, agreeable to both, to act as an escrow agent.

[Order 12, § 82-32-030, filed 10/28/70.]

WAC 82-32-040 Escrow agreement. When an election is made to place amounts reserved under chapter 38, Laws of 1970 1st ex. sess. (RCW 60.28.010), in escrow, the state agency jointly with the contractor and the escrow agent shall execute an escrow agreement according to Form A-39, Budget and Accounting Manual, or some other form approved by the attorney general's office. A copy of the completed escrow agreement shall be provided to the escrow agent, the contractor and the state agency prior to the time the first progress payment is made.

[Order 12, § 82-32-040, filed 10/28/70.]

WAC 82-32-050 Escrow costs and fees. The escrow agreement executed pursuant to chapter 38, Laws of 1970 1st ex. sess. (RCW 60.28.010), in addition to other requirements, must provide for payment of all escrow costs and fees by the contractor.

[Order 12, § 82-32-050, filed 10/28/70.]

WAC 82-32-060 Escrow investments. The escrow agent holding funds pursuant to chapter 38, Laws of 1970 1st ex. sess. (RCW 60.28.010), shall invest such funds in bonds and securities selected by the contractor and approved by the state agency. In approving investments, the state agency shall consider the probable safety of the investments, and their liquidity. The agency may approve investments in the following bonds and securities:

- (1) Bills, certificates, notes or bonds of the United States;
- (2) Other obligations of the United States or its agencies;
- (3) Obligations of any corporation wholly owned by the government of the United States;
- (4) Indebtedness of the Federal National Mortgage Association; and
- (5) Time deposits in commercial banks, mutual savings banks or savings and loan associations.

Other bonds or securities may be approved by the agency providing that it has the staff assistance and expertise which will permit it to exercise sound judgment in assessing the probable safety and liquidity of such investments. In no event shall the state agency approve of investments in stock of any company, association or corporation. In all cases, including those enumerated above, the investments selected must mature on or prior to the date set for completion of the contract, including extensions thereof or thirty days following the final acceptance of said improvement or work as completed.

[Order 12, § 82-32-060, filed 10/28/70.]

WAC 82-32-070 Selection of an interest bearing account. When an election is made to deposit amounts reserved under RCW 60.28.010, in an interest bearing account in a bank, mutual savings bank, or savings and loan association, the contractor and the agency shall select an institution agreeable to both. Any bank selected must be a qualified public depository under RCW 39.58.010. Deposits in mutual savings banks are subject to RCW 32.12.100 and deposits in savings and loan associations to RCW 33.52.010.

[Order 33, § 82-32-070, filed 7/19/76.]

WAC 82-32-080 Withdrawal of interest bearing account. Deposits made pursuant to WAC 82-32-070 shall be in the name of the agency and cannot be withdrawn without the agency's written authorization. The amounts deposited shall not be subject to withdrawal until after final acceptance of said improvement or work as completed, or until agreed to by both parties. In no case shall the agency allow withdrawal unless the conditions of RCW 60.28.020 are met.

[Order 33, § 82-32-080, filed 7/19/76.]

WAC 82-32-090 Distribution of interest. Interest earned on deposits made pursuant to WAC 82-32-070 shall be paid to the contractor as said interest becomes payable under the terms of the deposit. The agency shall notify the institution to withhold all further payments of interest in the event claims are filed against the contractor. After such notice all unpaid interest shall be subject to the conditions of RCW 60.08.020. The account shall be appropriately noted by the bank, savings bank or savings and loan association to enable that institution to report interest payments made to the contractor to the Internal Revenue Service in the proper format.

[Order 33, § 82-32-090, filed 7/19/76.]

Chapter 82-48 WAC

DISCLOSURE OF PUBLIC RECORDS

WAC

82-48-010	Purpose.
82-48-020	Definitions.
82-48-030	Description of the office of program planning and fiscal management.
82-48-040	Responsibilities.
82-48-050	Method of operation.
82-48-060	Public records available.
82-48-080	Public records officer.
82-48-090	Availability of records.
82-48-100	Inspection of public records.
82-48-110	Copying of public records.
82-48-120	Commercial purposes.
82-48-130	Agency rules for inspection and copying of public records.
82-48-140	Exemptions—Court protection.
82-48-150	Review of denial of public records request.
82-48-160	Records index.
82-48-170	Communications with the agency.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

82-48-070	Commercial purposes. [Order 34, § 82-48-070, filed 9/16/76.] Repealed by 05-01-004, filed 12/1/04, effective 1/2/05. Statutory Authority: RCW 42.17.260.
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WAC 82-48-010 Purpose. The purpose of this chapter is to provide rules for the office of financial management to implement the provisions of chapter 42.17 RCW relating to public records.

[Statutory Authority: RCW 42.17.260. 05-01-004, § 82-48-010, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-010, filed 9/16/76.]

WAC 82-48-020 Definitions. The definitions set forth in RCW 42.17.020 shall apply to this chapter.

(1) "OFM" or agency means the office of financial management. Where appropriate, OFM or agency also refers to the staff and employees of the office of financial management.

(2) "Director" means the director of the office of financial management.

[Statutory Authority: RCW 42.17.260. 05-01-004, § 82-48-020, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-020, filed 9/16/76.]

WAC 82-48-030 Description of the office of program planning and fiscal management. OFM is the state agency having decision-making and operational responsibilities for the financial and management affairs of state government in accordance with chapters 43.41 and 43.88 RCW. It is organized into a budget division, an accounting division, labor relations division, executive policy division, and a contracting, forecasting and risk management division along with other divisions which support and augment these activities.

[Statutory Authority: RCW 42.17.260. 05-01-004, § 82-48-030, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-030, filed 9/16/76.]

WAC 82-48-040 Responsibilities. The responsibilities of OFM include preparation of the governor's budget for presentation to the legislature and budget implementation monitoring through the operation of the budget and allotment systems, and maintenance of the statewide financial and administrative systems central books of account containing timely records of changes in the financial status of the state and

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other financial data bases. OFM also provides technical assistance to the governor and legislature by preparing notes and recommendations, based on information it has obtained, concerning needs and policies recommended for meeting these needs through state programs. In addition, OFM oversees statewide personal services contracting activities, provides a comprehensive risk management program for all state agencies and plays a critical role in statewide public employee labor management relations. Finally, the Revised Code of Washington contains statutes that assign specific duties of an advisory, supervisory, regulatory or similar nature to the agency. All of these relate either directly or indirectly to the financial affairs of the state and its agencies thereof.

[Statutory Authority: RCW 42.17.260. 05-01-004, § 82-48-040, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-040, filed 9/16/76.]

WAC 82-48-050 Method of operation. In carrying out its responsibilities, OFM receives information about the management and operation of state agencies and their programs. This information includes, but is not limited to: Budget proposals, short and long-range goals and the plans developed to meet them, present and projected workloads, capital and operating resource requirements, detailed and summary reports of current expenditures, financial commitments, etc. This information is obtained both on a routine basis and in response to requests from the executive and legislative branches. It is recorded and evaluated by OFM and becomes the basis for reports, recommendations, approval of expenditures and, in certain cases, for the establishment of firm criteria for the disbursement of state funds. An example of the latter use is the annual determination of the population of all cities and towns in the state, required by RCW 43.62.030, which is the basis for distribution of tax revenues to these communities.

In obtaining the necessary data to perform these functions, OFM employs numerous methods of communication including, but not limited to: Reports submitted by state agencies, meetings with agency representatives, memoranda and informal contacts between its personnel and that of respondent agencies.

When necessary for the timely and uniform execution of its duties, OFM exercises its statutory power to place standardized reporting requirements upon other agencies of state government.

OFM has published and currently maintains the *State Administrative and Accounting Manual*, which contains policies, regulations and guidance for state agencies in fiscally-related matters.

[Statutory Authority: RCW 42.17.260. 05-01-004, § 82-48-050, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-050, filed 9/16/76.]

WAC 82-48-060 Public records available. All public records of this agency, as defined in RCW 42.17.020, are available for public inspection and copying pursuant to these rules, except as otherwise provided by chapter 42.17 RCW, any other laws and these rules.

[Statutory Authority: RCW 42.17.260. 05-01-004, § 82-48-060, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-060, filed 9/16/76.]

WAC 82-48-080 Public records officer. The public records officer, designated by the director, shall be in charge of the agency's public records. The person so designated shall be located in the office of the director. The public records officer shall be responsible for implementation of the agency's rules and regulations regarding release of public records for inspection and copying, coordinating the staff of the agency in this regard, and generally ensuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW. The public records officer may choose a designee, as may be necessary, to act in his or her absence to carry out the above-described responsibilities.

[Statutory Authority: RCW 42.17.260. 05-01-004, § 82-48-080, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-080, filed 9/16/76.]

WAC 82-48-090 Availability of records. Public records of OFM shall be available for inspection and the preparation of requested copies in the office of the director or other agency location as applicable, during normal office hours. For the purposes of this chapter, normal office hours of OFM shall be from 8:00 a.m. until noon and from 1:00 p.m. until 5:00 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 42.17.260. 05-01-004, § 82-48-090, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-090, filed 9/16/76.]

WAC 82-48-100 Inspection of public records. Public records of OFM required by any person to be disclosed in accordance with the provisions of chapter 42.17 RCW, shall be provided by the public records officer or his or her designee for inspection in the office of the director or other agency location as applicable. Persons requesting such records may not remove them from the agency office. Public records requested will be made available as promptly as is possible without excessive interference with the other essential functions of the agency, and in accordance with rules provided to protect the records so requested from damage or disorganization.

[Statutory Authority: RCW 42.17.260. 05-01-004, § 82-48-100, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-100, filed 9/16/76.]

WAC 82-48-110 Copying of public records. No fee shall be charged for the inspection of public records. The agency may impose a charge for providing copies of public records. Such charges shall not exceed the amount necessary to reimburse the agency for its actual costs incident to such copying. If it is unduly burdensome for the agency to calculate the actual cost, OFM may charge \$.15 per page. No person shall be provided a copy of a public record which has been copied by the agency at the request of such person until and unless such person has tendered payment of the charge for such copying.

[Statutory Authority: RCW 42.17.260. 05-01-004, § 82-48-110, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-110, filed 9/16/76.]

WAC 82-48-120 Commercial purposes. No provisions of any regulation contained in this chapter 82-48 WAC shall be construed as giving authority to any officer or OFM employee to give, sell, or provide access to lists of individuals requested for commercial purposes. If a list of individuals is included in the materials requested, OFM reserves the right

to request a signed statement that the requestor will not use the list of individuals for commercial purposes.

[Statutory Authority: RCW 42.17.260. 05-01-004, § 82-48-120, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-120, filed 9/16/76.]

WAC 82-48-130 Agency rules for inspection and copying of public records. In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions, OFM has established procedures under which public records may be inspected and copies of such records obtained as follows:

(1) Written public records request may be sent to the agency by mail, facsimile or e-mail. Requests may be made in person or by telephone; however, the requesting party may be asked to reduce the request to writing. The purpose of requiring a written request is to assist the agency in tracking, managing and responding to requests in a timely and orderly fashion.

(2) The request shall include the name of the requesting party, contact information and the public records requested. Identification of the records requested shall be sufficiently described so that the agency may identify the record. If the record is not clearly identified, the requesting party may be asked for clarification.

(3) The public records officer or his or her designee may assist persons making public records requests to appropriately identify the public records being sought.

[Statutory Authority: RCW 42.17.260. 05-01-004, § 82-48-130, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-130, filed 9/16/76.]

WAC 82-48-140 Exemptions—Court protection. OFM reserves the right to determine that a public record or portion of a public record requested in accordance with the procedures outlined in chapter 82-48 WAC is exempt from disclosure under the provisions of chapter 42.17 RCW.

In addition, pursuant to RCW 42.17.260, OFM reserves the right to delete identifying details when it makes available any public record in cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW.

Responses by OFM refusing, in whole or in part, inspection or copying of any public record shall be in writing and shall include a statement of the specific exemption authorizing the withholding of the public record or part and a brief explanation of how the exemption applies to the record withheld.

[Statutory Authority: RCW 42.17.260. 05-01-004, § 82-48-140, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-140, filed 9/16/76.]

WAC 82-48-150 Review of denial of public records request. Upon denial of any request for public records, the requesting party may petition for review of such denial to the director. The director or his or her designee shall review the denial and provide the results of such review in writing to the petitioner and the public records officer before the end of the second business day following the receipt of the request for review. This review shall constitute final agency action for purposes of judicial review.

[Statutory Authority: RCW 42.17.260. 05-01-004, § 82-48-150, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-150, filed 9/16/76.]

WAC 82-48-160 Records index. The office of financial management shall maintain and make available for public inspection and copying an appropriate index in accordance with RCW 42.17.260.

[Statutory Authority: RCW 42.17.260. 05-01-004, § 82-48-160, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-160, filed 9/16/76.]

WAC 82-48-170 Communications with the agency. All communications with OFM for the purpose of obtaining information, making submittals or requests, or making inquiries concerning the agency's rules for compliance with chapter 42.17 RCW shall be addressed as follows:

Office of Financial Management
Public Records Officer
300 Insurance Building
P.O. Box 43113
Olympia, WA 98504-3113

The telephone number of the public records officer is 360-902-0525. Or you can e-mail your request to publicdisclosure@ofm.wa.gov.

[Statutory Authority: RCW 42.17.260. 05-01-004, § 82-48-170, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-170, filed 9/16/76.]

Chapter 82-50 WAC

PAY DATES FOR STATE EMPLOYEES

WAC

82-50-011	Purpose.
82-50-021	Official lagged, semimonthly pay dates established.
82-50-031	Exceptions.
82-50-032	Termination of exceptions.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

82-50-010	Purpose. [Statutory Authority: RCW 42.16.017. 82-21-003 (Order 55), § 82-50-010, filed 10/8/82.] Repealed by 83-17-118 (Order 83-59), filed 8/24/83, effective 1/11/84.
82-50-020	Pay dates established. [Statutory Authority: RCW 42.16.017. 82-21-003 (Order 55), § 82-50-020, filed 10/8/82.] Repealed by 83-17-118 (Order 83-59), filed 8/24/83, effective 1/11/84.
82-50-030	Exceptions. [Statutory Authority: RCW 42.16.017. 82-21-003 (Order 55), § 82-50-030, filed 10/8/82.] Repealed by 83-17-118 (Order 83-59), filed 8/24/83, effective 1/11/84.
82-50-040	Effective date. [Statutory Authority: RCW 42.16.017. 82-21-003 (Order 55), § 82-50-040, filed 10/8/82.] Repealed by 83-17-118 (Order 83-59), filed 8/24/83, effective 1/11/84.
82-50-041	Effective date. [Statutory Authority: RCW 42.16.010 and 42.16.017. 83-17-118 (Order 83-59), § 82-50-041, filed 8/24/83.] Repealed by 88-16-027 (Order 88-66), filed 7/27/88. Statutory Authority: RCW 42.16.010(1) and 42.16.017.

WAC 82-50-011 Purpose. The purpose of this chapter is to implement RCW 42.16.010(1) which mandates the director of the office of financial management to establish pay dates through the administrative hearing process. The chapter establishes pay dates, exceptions to the mandatory pay dates, and a mechanism whereby exceptions may be terminated.

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[Statutory Authority: RCW 42.16.010 and 42.16.017. 83-17-118 (Order 83-59), § 82-50-011, filed 8/24/83.]

WAC 82-50-021 Official lagged, semimonthly pay dates established. Unless exempted otherwise under the provisions of WAC 82-50-031, the salaries of all state officers and employees are paid on a lagged, semimonthly basis for the official twice-a-month pay periods established in RCW 42.16.010(1). The following are the official lagged, semimonthly pay dates for calendar years 2006 and 2007:

CALENDAR YEAR 2006	CALENDAR YEAR 2007
Tuesday, January 10, 2006	Wednesday, January 10, 2007
Wednesday, January 25, 2006	Thursday, January 25, 2007
Friday, February 10, 2006	Friday, February 9, 2007
Friday, February 24, 2006	Monday, February 26, 2007
Friday, March 10, 2006	Friday, March 9, 2007
Friday, March 24, 2006	Monday, March 26, 2007
Monday, April 10, 2006	Tuesday, April 10, 2007
Tuesday, April 25, 2006	Wednesday, April 25, 2007
Wednesday, May 10, 2006	Thursday, May 10, 2007
Thursday, May 25, 2006	Friday, May 25, 2007
Friday, June 9, 2006	Monday, June 11, 2007
Monday, June 26, 2006	Monday, June 25, 2007
Monday, July 10, 2006	Tuesday, July 10, 2007
Tuesday, July 25, 2006	Wednesday, July 25, 2007
Thursday, August 10, 2006	Friday, August 10, 2007
Friday, August 25, 2006	Friday, August 24, 2007
Monday, September 11, 2006	Monday, September 10, 2007
Monday, September 25, 2006	Tuesday, September 25, 2007
Tuesday, October 10, 2006	Wednesday, October 10, 2007
Wednesday, October 25, 2006	Thursday, October 25, 2007
Thursday, November 9, 2006	Friday, November 9, 2007
Wednesday, November 22, 2006	Monday, November 26, 2007
Monday, December 11, 2006	Monday, December 10, 2007
Friday, December 22, 2006	Monday, December 24, 2007

[Statutory Authority: RCW 42.16.010(1) and 42.16.017. 06-11-053, § 82-50-021, filed 5/11/06, effective 6/11/06; 05-11-038, § 82-50-021, filed 5/11/05, effective 6/11/05; 04-15-006, § 82-50-021, filed 7/7/04, effective 8/7/04; 03-11-073, § 82-50-021, filed 5/20/03, effective 6/20/03; 02-13-087, § 82-50-021, filed 6/18/02, effective 7/19/02; 01-12-007, § 82-50-021, filed 5/24/01, effective 6/24/01; 00-09-088, § 82-50-021, filed 4/18/00, effective 5/19/00; 99-12-081, § 82-50-021, filed 5/28/99, effective 6/28/99; 98-14-079, § 82-50-021, filed 6/30/98, effective 6/30/98; 97-13-064, § 82-50-021, filed 6/17/97, effective 7/18/97; 96-15-039, § 82-50-021, filed 7/11/96, effective 8/11/96; 95-15-031, § 82-50-021, filed 7/11/95, effective 8/11/95; 94-13-097, § 82-50-021, filed 6/15/94, effective 7/16/94; 93-24-041, § 82-50-021, filed 11/23/93, effective 12/24/93; 92-20-038, § 82-50-021, filed 9/29/92, effective 10/30/92; 91-20-061 (Order 91-73), § 82-50-021, filed 9/24/91, effective 10/25/91; 90-17-017 (Order 90-72), § 82-50-021, filed 8/7/90, effective 9/7/90; 89-17-090 (Order 89-70), § 82-50-021, filed 8/22/89, effective 9/22/89; 89-03-063 (Order 89-67), § 82-50-021, filed 1/18/89; 88-16-027 (Order 88-66), § 82-50-021, filed 7/27/88; 87-16-060 (Order 87-65), § 82-50-021, filed 7/30/87; 86-17-001 (Order 86-63), § 82-50-021, filed 8/8/86; 85-16-014 (Order 85-62), § 82-50-021, filed 7/26/85; 84-14-046 (Order 84-61), § 82-50-021, filed 6/29/84; 83-17-118 (Order 83-59), § 82-50-021, filed 8/24/83.]

WAC 82-50-031 Exceptions. The salaries of all state officers and employees shall be paid on a schedule consistent with the provisions of WAC 82-50-021 with the following exceptions:

(1) Schedules for the payment of compensation on dates other than those established in WAC 82-50-021 are authorized for those state officers and employees with written contracts currently in force which explicitly specify payroll dates other than those established in WAC 82-50-021 until the contracts in effect on September 23, 1983, expire or are renegotiated. After that date, no state agency, office, or institution may contract or agree to any payroll dates other than as spec-

ified in WAC 82-50-021 and no state agency, office, or institution may agree to any extension of a contract specifying payroll dates other than those set in WAC 82-50-021 without amending the contract to delete any reference to payroll dates other than those established by WAC 82-50-021.

(2) Schedules for the payment of compensation on pay dates other than those established in WAC 82-50-021 may be authorized in writing by the director of the office of financial management, or the director's designee, in the following instances:

(a) For short-term, intermittent, noncareer state employees;

(b) For student employees of institutions of higher education; and

(c) For liquor control agency managers who are paid a percentage of monthly liquor sales.

(3) Schedules for the payment of compensation on pay dates other than those established in WAC 82-50-021 may be authorized by the director of the office of financial management, or the director's designee, only upon the written request of the agency head, or the agency head's designee, and only for the purpose of maintaining a lagged, semimonthly pay date schedule of shorter duration than the official lagged, semimonthly pay date schedule established in WAC 82-50-021. However, the official pay periods established by RCW 42.16.010(1) are in effect.

[Statutory Authority: RCW 42.16.010(1) and 42.16.017. 88-16-027 (Order 88-66), § 82-50-031, filed 7/27/88. Statutory Authority: RCW 42.16.010 and 42.16.017. 83-17-118 (Order 83-59), § 82-50-031, filed 8/24/83.]

WAC 82-50-032 Termination of exceptions. Pursuant to the approval authority over granting of exceptions provided in RCW 42.16.010(2) and pursuant to the approval authority over all agency and state payroll systems provided in RCW 42.16.017, the director of the office of financial management, or the director's designee, may, terminate any exceptions granted under the provisions of WAC 82-50-031 (2) and (3). The director shall give written notice to the affected agency head by July 1 of the intent to terminate an exception, and the affected agency shall conform to WAC 82-50-021 on January 1 of the following year.

[Statutory Authority: RCW 42.16.010 and 42.16.017. 83-17-118 (Order 83-59), § 82-50-032, filed 8/24/83.]

Chapter 82-54 WAC

SHARED LEAVE PROGRAM

WAC

82-54-010	Transfer of shared leave.
82-54-020	Value of leave transferred.

WAC 82-54-010 Transfer of shared leave. The Washington state leave sharing program as established in RCW 41.04.650 through 41.04.670 provides that employees may donate annual, sick, and personal holiday leave to other employees for sick leave purposes. The purpose of the shared leave program is to permit state employees to aid fellow state employees who are suffering from, or have a relative or household member suffering from, extraordinary or severe illness, injury, impairment, or physical or mental condition

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which have caused or are likely to cause the employees to take leave without pay or terminate their employment.

[Statutory Authority: RCW 41.04.650 and 41.04.670. 96-22-031, § 82-54-010, filed 10/30/96, effective 11/30/96. Statutory Authority: 1989 c 93. 89-17-089 (Order 89-69), § 82-54-010, filed 8/22/89, effective 9/22/89.]

WAC 82-54-020 Value of leave transferred. The value of leave transferred is to be based upon the current salary rate of the person receiving the leave. The receiving employee will continue to be paid his or her regular rate while on shared leave. Therefore, one hour of donated leave may cover more than or less than one hour of the recipient's salary. Detailed procedures for the transfer of funds under this are prescribed in the accounting procedures manual pursuant to RCW 43.88.160(1).

[Statutory Authority: 1989 c 93. 89-17-089 (Order 89-69), § 82-54-020, filed 8/22/89, effective 9/22/89.]

Chapter 82-60 WAC

SELF-INSURANCE REQUIREMENTS AS TO LOCAL GOVERNMENTS AND NONPROFIT CORPORATIONS

WAC

82-60-010	Preamble and authority.
82-60-020	Definitions.
82-60-030	Adoption of program.
82-60-031	Program financing.
82-60-032	Nondiscrimination in contributions.
82-60-033	Nondiscrimination in joint program assessments.
82-60-034	Disclosures.
82-60-035	Wellness programs.
82-60-036	Termination provisions.
82-60-037	Financial plans.
82-60-038	Third-party administrator contracts.
82-60-039	Preparation for incorporation of nonprofit corporation members.
82-60-040	Risk management.
82-60-050	Claims administration.
82-60-060	Financial reports.
82-60-070	State risk manager may waive requirements.
82-60-080	Conflict of interest.
82-60-100	Expense and operating cost fees.
82-60-200	Appeals of fees.
82-60-210	Appeals of cease and desist orders.

WAC 82-60-010 Preamble and authority. These rules governing local government and nonprofit self-insurance transactions are adopted by the state risk manager to implement chapter 48.62 RCW relating to the management and operations of both individual and joint local government health and welfare benefit and property and liability self-insurance programs and nonprofit property and liability self-insurance programs.

[Statutory Authority: RCW 48.62.061. 05-04-072, amended and recodified as § 82-60-010, filed 2/1/05, effective 3/4/05. Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-010, filed 8/3/93, effective 9/3/93; 92-12-092, § 236-22-010, filed 6/3/92, effective 7/1/92.]

WAC 82-60-020 Definitions. (1) "Actuary" means any person who is qualified under WAC 284-05-060 to provide actuarial services.

(2) "Assessment" means the moneys paid by the members to a joint self-insurance program.

(3) "Beneficiary" means any individual entitled to payment of all or part of a covered claim under a local government health and welfare self-insurance program.

(2007 Ed.)

(4) "Claim adjustment expense" means expenses, other than claim payments, incurred in the course of investigating and settling claims.

(5) "Claim" means a demand for payment for damages or policy benefit because of the occurrence of an event such as:

(a) For health and welfare benefits, a covered service or services being delivered; or

(b) For property and liability, the destruction or damage of property or related deaths or injuries.

Unless specifically referenced, the term "claim" is used for both health and welfare and property and liability programs.

(6) "Competitive process" means a documented formal process providing a fair and open opportunity to qualified parties and culminating in a selection based on criteria which may include such factors as the party's fees or costs, ability, capacity, experience, reputation, responsiveness to time limitations, responsiveness to solicitation requirements, quality of previous performance, and compliance with statutes and rules relating to contracts or services.

(7) "Contribution" means the amount paid or payable by the employee into a health and welfare self-insurance program.

(8) "Incurred but not reported, or IBNR" means claims and claim adjustment expenses for covered events which have occurred but have not yet been reported to the self-insurance program as of the date of the financial statement. IBNR claims include (a) known loss events that are expected to be presented later as claims, (b) unknown loss events that are expected to become claims, and (c) expected future development on claims already reported.

(9) "Individual self-insurance program" means a program established and maintained by a local government entity to self-insure health and welfare benefits or property and liability risks on its own behalf.

(10) "Joint self-insurance program" means any two or more local government entities, two or more nonprofit corporations or a combination of local government entities and nonprofit corporations which have entered into a cooperative risk sharing agreement pursuant to the provisions of the Inter-local Cooperation Act (chapter 39.34 RCW) and/or subject to regulation under chapter 48.62 RCW.

(11) "Liability for unpaid claims" means the amount needed to provide for the estimated ultimate cost of settling claims which have occurred on or before a particular date. The estimated liability includes the amount of money that will be needed for future payments on both claims which have been reported and IBNR claims.

(12) "Liability for unpaid claim adjustment expenses" means the amount needed to provide for the estimated ultimate costs required to investigate and settle claims for covered events that have occurred on or before a particular date, whether or not reported to the government entity or nonprofit corporation at that date.

(13) "Member" means a local government entity or nonprofit corporation that is a past or present participant in a joint self-insurance program subject to regulation under chapter 48.62 RCW.

(14) "Nonprofit corporation," as defined in RCW 24.03.-005(3), means a corporation no part of the income of which is distributable to its members, directors or officers.

(15) "Self-insurance program" means any individual or joint local government entity or nonprofit corporation self-insurance program required by chapter 48.62 RCW to comply with this chapter.

(16) "Stop-loss insurance" means insurance against the risk of economic loss assumed under a self-insurance program.

(17) "Third-party administrator" means:

(a) An independent association, agency, entity or enterprise which, through a contractual agreement is responsible for the overall operational and financial management of the self-insurance program; or

(b) An independent association, agency, entity or enterprise which, through a contractual agreement, provides a professional service for the analysis, design, implementation, or termination of a self-insurance program; or

(c) An independent association, agency, entity or enterprise which, through a contractual agreement, administers the claim payment process on behalf of a self-insurance program. Such claim administration process includes, but is not limited to, receiving requests for claim payments, investigation, verification and adjustment of the claim. Claim payment disbursement is also considered an administrative process.

[Statutory Authority: RCW 48.62.061, 05-04-072, amended and recodified as § 82-60-020, filed 2/1/05, effective 3/4/05. Statutory Authority: Chapter 48.62 RCW, § 93-16-079, § 236-22-020, filed 8/3/93, effective 9/3/93.]

WAC 82-60-030 Adoption of program. (1) All self-insurance programs shall provide that the governing body of the local government entity or nonprofit corporation establishing or maintaining a program adopt the self-insurance program by resolution or ordinance. The resolution or ordinance shall include, but not be limited to, funding and expenditure mechanisms.

(2) The interlocal agreement of a joint self-insurance program shall be adopted by resolution or ordinance by each participating member's governing body.

[Statutory Authority: RCW 48.62.061, 05-04-072, amended and recodified as § 82-60-030, filed 2/1/05, effective 3/4/05. Statutory Authority: Chapter 48.62 RCW, § 93-16-079, § 236-22-030, filed 8/3/93, effective 9/3/93.]

WAC 82-60-031 Program financing. (1) All self-insurance programs shall provide for program financing to pay claims, claims adjustment expenses and the liability for unpaid claims and claims adjustment expenses as they become payable.

(2) All self-insurance programs shall provide a method by which the program financing will be adjusted when it has been determined to be actuarially insufficient, or when the program is unable to meet debts as they become payable. Any increases shall be large enough to make the program actuarially sufficient.

(3) The claim financing levels and liabilities for unpaid claims and claims adjustment expenses for all individual and joint health and welfare medical self-insurance programs and all joint property and liability self-insurance programs shall be determined annually by an actuary. Such programs that purchase annual aggregate stop loss insurance and fund the self-insured portion to the stop loss insurance attachment point are exempt from the actuarial report requirement. The state risk manager may require a joint self-insurance program

to perform an actuarial study when determined necessary to analyze the program's soundness and financial safety.

[Statutory Authority: RCW 48.62.061. 05-04-072, amended and recodified as § 82-60-031, filed 2/1/05, effective 3/4/05. Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-031, filed 8/3/93, effective 9/3/93.]

WAC 82-60-032 Nondiscrimination in contributions.

Contribution rate schedules for individual and joint health and welfare self-insurance programs shall be consistent and nondiscriminatory among beneficiaries of the self-insurance program. This provision is not intended to prohibit choice of coverage for beneficiaries, classes of beneficiaries, or bargaining groups from several offered by the self-insurance program, or to prohibit different contribution schedules between classes of beneficiaries or bargaining groups.

[Statutory Authority: RCW 48.62.061. 05-04-072, recodified as § 82-60-032, filed 2/1/05, effective 3/4/05. Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-032, filed 8/3/93, effective 9/3/93.]

WAC 82-60-033 Nondiscrimination in joint program assessments. Joint self-insurance program assessment formula shall be consistent and nondiscriminatory among new and existing members. Joint self-insurance programs shall not engage in practices that set standard assessment rates lower for new members than those established for existing members.

This provision shall not be construed to prohibit individual choice of coverage by members from several offered by the self-insurance program.

[Statutory Authority: RCW 48.62.061. 05-04-072, recodified as § 82-60-033, filed 2/1/05, effective 3/4/05. Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-033, filed 8/3/93, effective 9/3/93.]

WAC 82-60-034 Disclosures. (1) All health and welfare self-insurance programs shall furnish each employee or retiree covered by the program a written description of the benefits allowable under the program, together with:

- (a) Applicable restrictions, limitations, and exclusions;
- (b) The procedure for filing a claim for benefits;
- (c) The procedure for requesting an adjudication of disputes or appeals arising from beneficiaries regarding the payment or denial of any claim for benefits; and
- (d) A schedule of any direct monetary contributions toward the program financing required by the employee.

Such benefits or procedures shall not be amended without written notice to the covered employees and retirees at least thirty days in advance of the effective date of the change unless exigent circumstances can be demonstrated.

(2) All joint self-insurance programs shall furnish to each member of the program written statements which describe:

- (a) All coverages or benefits currently provided by the program, including any applicable restrictions, limitations, and exclusions;
- (b) The method by which members pay assessments;
- (c) The procedure for filing a claim; and
- (d) The procedure for a member to request an adjudication of disputes or appeals arising from coverage, claim payment or denial, membership, and other issues.

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Such statements shall not be amended without written notice to the members at least thirty days in advance of the effective date of the change.

[Statutory Authority: RCW 48.62.061. 05-04-072, amended and recodified as § 82-60-034, filed 2/1/05, effective 3/4/05. Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-034, filed 8/3/93, effective 9/3/93.]

WAC 82-60-035 Wellness programs. Health and welfare self-insurance programs may offer coverage for preventative care, wellness programs, and/or other cost containment measures.

[Statutory Authority: RCW 48.62.061. 05-04-072, recodified as § 82-60-035, filed 2/1/05, effective 3/4/05. Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-035, filed 8/3/93, effective 9/3/93.]

WAC 82-60-036 Termination provisions. (1) All individual and joint health and welfare self-insurance programs and all joint property and liability self-insurance programs shall maintain a written plan that provides for the partial or complete termination of the program and for liquidation of its assets upon termination of the program. The termination procedure shall include, but not be limited to, a provision for the settling of all its liabilities for unpaid claims and claim adjustment expenses.

(2) All joint self-insurance programs shall provide for the termination of membership of a member.

[Statutory Authority: RCW 48.62.061. 05-04-072, amended and recodified as § 82-60-036, filed 2/1/05, effective 3/4/05. Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-036, filed 8/3/93, effective 9/3/93.]

WAC 82-60-037 Financial plans. (1) All self-insurance programs shall maintain a written plan for managing the financial resources of the program. The financial plan shall include:

- (a) A procedure for accounting for moneys received, payments made and liabilities of the program;
- (b) An investment policy; and
- (c) The preparation of accurate annual financial statements of the program.

(2) No financial plan of a self-insurance program shall permit interfund loans from assets held against liabilities for unpaid claims and claim adjustment expenses except for those amounts which are clearly inactive or in excess of liabilities for unpaid claims and claim adjustment expenses.

(3) No financial plan of a joint self-insurance program shall permit loans from assets held against liabilities for unpaid claims and claim adjustment expenses to any member.

[Statutory Authority: RCW 48.62.061. 05-04-072, amended and recodified as § 82-60-037, filed 2/1/05, effective 3/4/05. Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-037, filed 8/3/93, effective 9/3/93.]

WAC 82-60-038 Third-party administrator contracts. (1) Before contracting for third-party administrator professional services, all self-insurance programs shall establish and maintain written standards and procedures for contracting with third-party administrators. Entering a contract for services shall not relieve the entity of its ultimate managerial and financial responsibilities. The procedures shall, as a minimum:

- (a) Provide a method of third-party administrator selection using a competitive process;

(b) Require a written description of the services to be provided, remuneration levels, and contract period;

(c) Provide for the confidentiality and ownership of the information, data and other intellectual property developed or shared during the course of the contract;

(d) Provide for the expressed authorization of the self-insurance program to enter the third-party administrator's premises to inspect and audit the records and performance of the third-party administrator which pertains to the program; and

(e) Require the compliance with all applicable local, state and federal laws.

(2) None of the above shall otherwise relieve the entity from other contracting requirements imposed on those entities.

[Statutory Authority: RCW 48.62.061. 05-04-072, amended and recodified as § 82-60-038, filed 2/1/05, effective 3/4/05. Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-038, filed 8/3/93, effective 9/3/93.]

WAC 82-60-039 Preparation for incorporation of nonprofit corporation members. Joint property and liability self-insurance programs whose members are local government entities that are preparing to include nonprofit corporations as members of the program shall, as a minimum, address the following in their plan of operation:

(1) Amount of capitalization each nonprofit corporation will pay to become a member of the self-insurance program;

(2) Self-insured retention level for nonprofit corporation members;

(3) Flexibility in premium assessment rates with emphasis on rates for nonprofit corporations that recognize the potential and actual loss experience of the nonprofit corporation;

(4) Procedures for reviewing the financial soundness of each nonprofit corporation being considered for membership in the self-insurance program; and

(5) Representation of nonprofit corporations on the governing board of directors but local government entities must retain control as required by RCW 48.62.121 (2)(a).

[Statutory Authority: RCW 48.62.061. 05-04-072, § 82-60-039, filed 2/1/05, effective 3/4/05.]

WAC 82-60-040 Risk management. Individual and joint property and liability self-insurance programs shall have a written risk management program which addresses risk finance, loss control, risk avoidance and risk transfer.

[Statutory Authority: RCW 48.62.061. 05-04-072, recodified as § 82-60-040, filed 2/1/05, effective 3/4/05. Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-040, filed 8/3/93, effective 9/3/93.]

WAC 82-60-050 Claims administration. (1)(a) All self-insurance programs shall have a written claims administration program that contains, as a minimum, claim filing procedures, internal financial control mechanisms, and claim and claim adjustment expense reports.

(b) All individual and joint health and welfare self-insurance programs and all joint property and liability self-insurance programs shall have a written claim appeal procedure that contains, as a minimum, a time limit for filing an appeal, a time limit for response, and a provision for a second level of review.

(2007 Ed.)

(2)(a) All self-insurance programs may contract for claims administration services with a qualified third-party administrator, provided all the requirements under subsection (1) of this section are included in the contract.

(b) Individual and joint property and liability self-insurance programs may perform claims administration services on their own behalf. Individual and joint health and welfare self-insurance programs may perform claims administration services on their own behalf, provided the state risk manager is supplied with documentation and a detailed written explanation in support of the self-insurance program's proposed claims administration activities. The documentation and proposal shall include, as a minimum, the following:

(i) The nature, type and anticipated volume of claims to be administered.

(ii) The number of employment positions established or to be established which are required to perform the self-insurance program's claim administration functions, including an organizational chart showing reporting responsibilities.

(iii) Qualifications of personnel having claim reserving and settlement authority.

(iv) A projection of expected claim administration expenses.

(3) All self-insurance programs shall have conducted by an independent qualified professional not currently performing claims administration services to the program, a review of claim reserving, adjusting and payment procedures no less than every three years. Such review shall be in writing and retained for a period not less than three years.

(4) Joint self-insurance programs shall maintain a dedicated claim account from which only claim and claim adjustment expenses can be paid.

(5) Joint self-insurance programs shall maintain written claim and claim adjustment expense reports for all claims made against the self-insurance program and, separate written reports for each individual member.

[Statutory Authority: RCW 48.62.061. 05-04-072, amended and recodified as § 82-60-050, filed 2/1/05, effective 3/4/05. Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-050, filed 8/3/93, effective 9/3/93.]

WAC 82-60-060 Financial reports. (1) Every individual and joint health and welfare self-insurance program and every joint property and liability self-insurance program authorized to transact business in the state of Washington shall record and annually report its revenue, claim and claim expense experience, and other data as required by the state risk manager. Multistate programs shall report both its Washington state revenues, claim and claim expense experience and other data required by the state risk manager and its overall income, claim and claim expense experience. Such reports shall be submitted to the state risk manager no later than one hundred fifty days following the completion of the joint program's fiscal year.

(2) All joint self-insurance programs authorized to transact business in the state of Washington shall submit quarterly financial reports to the state risk manager. Such reports shall be submitted to the state risk manager no later than sixty days following the completion of each of the program's four quarters within its fiscal year.

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[Statutory Authority: RCW 48.62.061. 05-04-072, amended and recodified as § 82-60-060, filed 2/1/05, effective 3/4/05. Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-060, filed 8/3/93, effective 9/3/93.]

WAC 82-60-070 State risk manager may waive requirements. The state risk manager may waive any of the requirements of WAC 82-60-030 through 82-60-050 and 82-60-060 if, in the state risk manager's opinion:

- (1) Circumstances warrant a waiver; and
- (2) Waiver will not jeopardize the financial condition of the self-insurance program.

[Statutory Authority: RCW 48.62.061. 05-04-072, amended and recodified as § 82-60-070, filed 2/1/05, effective 3/4/05. Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-070, filed 8/3/93, effective 9/3/93.]

WAC 82-60-080 Conflict of interest. All self-insurance programs shall meet the following standards regarding restrictions on the financial interests of the program administrators:

- (1) No member of the board of directors; trustee; administrator, including a third-party administrator; or any other person having responsibility for the management or administration of a program or the investment or other handling of the program's money shall:

- (a) Receive directly or indirectly or be pecuniarily interested in any fee, commission, compensation, or emolument arising out of any transaction to which the program is or is expected to be a party except for salary or other similar compensation regularly fixed and allowed for because of services regularly rendered to the program.

- (b) Receive compensation as a consultant to the program while also acting as a member of the board of directors, trustee, administrator, or as an employee.

- (c) Have any direct or indirect pecuniary interest in any loan or investment of the program.

- (2) No consultant, third-party administrator or legal counsel to the self-insurance program shall directly or indirectly receive or be pecuniarily interested in any commission or other compensation arising out of any contract or transaction between the self-insurance program and any insurer, health care service contractor, or health care supply provider. This provision shall not preclude licensed insurance brokers or agents from receiving compensation for insurance transactions performed within the scope of their licenses, provided such compensation is disclosed to the self-insurance program's governing body.

- (3) No third-party administrator shall serve as an officer or on the board of directors of a self-insurance program.

[Statutory Authority: RCW 48.62.061. 05-04-072, amended and recodified as § 82-60-080, filed 2/1/05, effective 3/4/05. Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-080, filed 8/3/93, effective 9/3/93.]

WAC 82-60-100 Expense and operating cost fees. (1) The state risk manager, with concurrence from the property and liability advisory board and the health and welfare advisory board, shall fix assessments to cover expenses and operating costs of the state risk manager's office in administering chapter 48.62 RCW. Such assessments shall be levied against each joint property and liability self-insurance program and each individual and joint health and welfare benefit self-insurance program regulated by chapter 48.62 RCW. Exami-

nation fees shall be based upon actual time and expenses incurred for the review and investigation of every joint property and liability self-insurance program and every individual and joint health and welfare benefit self-insurance program by the state risk manager or designee.

- (2) The state risk manager, with concurrence from the two advisory boards, shall determine the assessment rate on a fiscal year basis and the review and investigation fees on a fiscal year basis.

- (3) The review and investigation fees shall be paid by the self-insurance program to the state of Washington, office of financial management within thirty days of the date of invoice. Any self-insurance program failing to remit its fee when due is subject to denial of permission to operate or to a cease and desist order until the fee is paid.

- (4) A self-insurance program that has voluntarily or involuntarily terminated shall continue to pay an administrative cost assessment and review and investigation fees until such time as all liabilities for unpaid claims and claim adjustment expenses and all administrative responsibilities of the self-insurance program have been satisfied.

- (5) The state risk manager shall assess each prospective joint self-insurance program, and each prospective individual health and welfare benefit self-insurance program, an initial investigation fee at a rate determined annually by the state risk manager, with the concurrence of the advisory boards. Such fee shall be sufficient to cover the costs for the initial review and approval of that self-insurance program.

[Statutory Authority: RCW 48.62.061. 05-04-072, amended and recodified as § 82-60-100, filed 2/1/05, effective 3/4/05. Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-100, filed 8/3/93, effective 9/3/93; 92-12-092, § 236-22-100, filed 6/3/92, effective 7/1/92.]

WAC 82-60-200 Appeals of fees. (1) A self-insurance program which disagrees with a fee for services issued to it by the state risk manager shall notify the state risk manager in writing within thirty days after receipt of the invoice. The writing shall include the self-insurance program's reasons for challenging the fee and any other information the self-insurance program deems pertinent.

- (2) The state risk manager shall review any fee appealed by a self-insurance program, together with the reasons for the appeal. Within fourteen days of receipt of notification from the self-insurance program, the state risk manager shall respond in writing to the self-insurance program, either reaffirming the fee or modifying it, and stating the reasons for the decision.

[Statutory Authority: RCW 48.62.061. 05-04-072, amended and recodified as § 82-60-200, filed 2/1/05, effective 3/4/05. Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-200, filed 8/3/93, effective 9/3/93.]

WAC 82-60-210 Appeals of cease and desist orders. Within ten days after a joint self-insurance program covering property or liability risks, or an individual or joint self-insurance program covering health and welfare benefits has been served with a cease and desist order under RCW 48.62.091 (3), the entity may request an administrative hearing. The hearing provided may be held in such a place as is designated by the state risk manager and shall be conducted in accordance with chapter 34.05 RCW and chapter 10-08 WAC.

[Statutory Authority: RCW 48.62.061. 05-04-072, amended and recodified as § 82-60-210, filed 2/1/05, effective 3/4/05. Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-210, filed 8/3/93, effective 9/3/93.]